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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 PHILLIP B. HAUSKEN,

Case No. C16-1931-JCC-JPD

10 Plaintiff,

REPORT AND RECOMMENDATION

11 v.

12 DR. COGBURNE, et al.,

13 Defendants.

14
15 Plaintiff filed a proposed civil rights complaint in the above-entitled action on
16 December 16, 2016. Dkt. 1-1. However, plaintiff did not pay the \$400 filing fee. Although
17 plaintiff filed an application to proceed *in forma pauperis* (“IFP”), he did not use the correct
18 form approved for use in this district. By letter dated December 16, 2016, the Court advised
19 plaintiff that he must pay the filing fee or submit the Court’s IFP application approved for use
20 in this district by no later than January 17, 2017, or else his action may be dismissed. Dkt. 3.
21 Plaintiff was also sent a blank copy of the Court’s IFP application. *See id.*

22 To date, however, plaintiff has failed to pay the applicable filing fee or submit an IFP
23 application. Accordingly, the Court recommends that this 42 U.S.C. § 1983 action be
24 DISMISSED without prejudice for failure to prosecute.

25 A proposed order accompanies this Report and Recommendation. The Clerk is
26 directed to send copies of this Order to plaintiff and to the Honorable James P. Donohue.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit by no later than **March 3, 2017**. Failure to file objections within the specified time may affect your right to appeal. Objections should be noted for consideration on the District Judge's motion calendar for the third Friday after they are filed. Responses to objections may be filed within **fourteen (14)** days after service of objections. If no timely objections are filed, the matter will be ready for consideration by the District Judge on **March 10, 2017**.

This Report and Recommendation is not an appealable order. Thus, a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge acts on this Report and Recommendation.

DATED this 10th day of February, 2017.

James P. Donohue

JAMES P. DONOHUE
Chief United States Magistrate Judge